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2nd Session, 5th Parliament, 19th Victoria, 1856.

# BILL

An Act in relation to Foreign Insurance Companies and Insurance Agents.

Received and read, first time, Tuesday, 7th March, 1856.

Second Reading, Wednesday, 12th March, 1856.

HON. MR. CAMERON.

# An Act in relation to Foreign Insurance Companies and Insurance Agents.

**H**ER Majesty, &c., enacts as follows:

I. It shall not be lawful for any person or persons to act within this Province, as Agent or otherwise, in procuring or receiving applications for Insurance, or in any manner to aid in transacting the business of Fire, 5 Life or Health Insurance, for any Company or Association incorporated or organized under the laws of any Country without this Province, or whose head or principal office is situated without this Province, unless such Company or Association shall, previous to its issuing any Policy of Insurance, or transacting any Insurance business, appoint an Agent 10 or Attorney, on whom process in Law and Equity can be served, in that section of this Province, whether Lower or Upper Canada, in which such business shall be carried on, and such Agent or Attorney shall file with the Clerk of each of the Superior Courts of Common Law in Upper Canada, and with the Prothonotary of the Superior Court in 15 each District in Lower Canada, a certified copy of the Charter of any and all Companies for which he shall have been appointed Agent or Attorney, and also the Power of Attorney under the seal of the Company, and signed by the presiding officer and Secretary, and verified by his own oath before any Justice of the Peace, as to authenticity, ap-20 pointing him such Agent or Attorney, and which power of Attorney must expressly authorize such Agent or Attorney to receive process in all suits, and proceedings against such Company in this Province, for all liabilities of any nature incurred in this Province by such Company, and must declare that service of process on such Agent or Attorney, for such liabili-25 ties, shall be legal and binding on such Company to all intents and purposes whatsoever.

*No Foreign Insurance Company to do business in this Province unless it has an agent therein, on whom process can be served in suits against such Company.*

II. After such certified copy of the Charter and Power of Attorney are filed as aforesaid, any process in any suit or proceeding against such Company, for any liability incurred by such Company in this Province, 30 may be served upon such Agent or Attorney, in the same manner as process may be served upon the proper officer of any Company incorporated in this Province, and all proceedings may be had thereupon to judgment and execution, in the same manner and with the same force and effect as in proceedings in any civil suit in this Province.

*Process may be served upon such Agent and proceedings continued to judgment and execution.*

35 III. The Clerk or Prothonotary of the Court in which such certified copy and Power of Attorney are filed, shall be entitled to a fee of *ten*

*Fees to Clerk of the Court.*

*shillings and six pence* for the filing thereof, to be paid into the Fee Fund, and shall, when required, give certified copies thereof, upon the payment of the fees usual for such services.

Penalty for contravening this Act.

IV. Every violation of this Act shall subject the party violating to a penalty of *one hundred pounds* for each violation, which shall be sued for and recovered in the name of any informer suing as well for our Lady the Queen as himself, and one half of such penalty shall be paid to the Crown and the other to the informer, and in case of the non-payment of such penalty in one month after such judgment, the person so offending shall be

How enforced. deemed guilty of a misdemeanor, and shall be liable to imprisonment in any gaol or prison in the County or place where such offence was committed, for a period not exceeding six calendar months.

Commencement of this Act.

V. This Act shall come into force on the first day of July next after the passing thereof.